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EXAMINER

WAGGENSPACK, ADAM J

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3782

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,666	Applicant(s) GUSTAVSSON, INGEMAR	
	Examiner ADAM WAGGENSPACK	Art Unit 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/04/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/04/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because of numerous typographical errors and improper sentence structure. Correction is required. See MPEP § 608.01(b).

3. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: [0001] is not comprehensible; repeated problems with subject/verb agreement (such as in [0002] "there are frequent a need"); repeated typographical errors ([0018] "not is" should be "is not"; [0020] "he risk" should be "the risk"; [0043] "that are concerned to by fitting shape take up" does not make

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sense and “allows that the map is brought along” should be “allows the map to be brought along”).

Claim Objections

4. Claims 20, 21, 22, 28, 29, 31, 32, 33, 34 and 36 are objected to because of the following informalities: in claim 20 “said guide comprising” should be “said guide comprises”, in claim 21 “gripping arm” should be “gripping arm”, in claim 23 “comprising of at least three guides” should be “comprising at least three guides”, in claims 24 and 36 “and then removably secured” should be “and then be removably secured”, in claim 28 “sealing plate comprising” should be “map sealing plate comprises”, in claim 29 “plate further comprising” should be “plate further comprises” and “and which” should be “which”, in claim 31 “a long” should be “along”, in claim 32 “support elements periphery” should be “support elements’ periphery”, in claim 33 “is peripheral seal” should be “is a peripheral seal, in claim 34 “assembly comprising” should be “assembly comprises”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 19 and 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed,

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had possession of the claimed invention. Although the specification mentions that the guide can be a peripheral seal, there is no guidance on how this is to be accomplished.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 19, 20, 21, 22, 24-26, 30, 32, 33, and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Respect to Claims 18 and 26

Independent claim 18 claims only the subcombination of a map holder, while dependent claim 26 recites specific map structure (an outtake). It is therefore unclear whether the combination of the map holder and a map is claimed, or only the subcombination of the map holder. It is further unclear whether claim 26 positively recites the map, or if the language is merely functional. For the purposes of examination on the merits, examiner takes all recitations of a map to be purely functional in nature.

In Respect to Claims 18, 24, 25, 32 and 36

Independent claims 18 and 32 recite only the subcombination of the map holder, while dependent claims 24, 25, and 36 recite vehicular structure. It is therefore unclear whether these are positive recitations or if they are purely functional in nature. For the purposes of examination on the merits, examiner takes the recitations of vehicular structure to be functional in nature.

In Respect to Claims 19 and 33

It is unclear how the guide can be a peripheral seal, inasmuch as a peripheral seal would prevent the rotation and removal of the map carrying element from the support element. It is also unclear how a peripheral seal is a “guide”.

In Respect to Claim 21

Claim 21 recites the limitation “said gripping arm”. There is insufficient antecedent basis for this limitation in the claim, inasmuch as claim 20 allows for multiple gripping arms.

It is unclear whether the “pair of gripping arms” must be on the same guide, or if two guides, each of which has a gripping arm, would satisfy the limitation. For the purpose of examination on the merits, examiner takes the claim language to encompass either alternative.

9. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “outtake” in claims 21, 25, 26, 29, and 37 is used by the claim to mean “cut out portion”, while the accepted meaning is “a segment of film or video edited out of the final version.” The term is indefinite because the specification does not clearly redefine the term.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 18- 20, 27, 28, 30-33 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent #5,106,001 to Figinski (Figinski). Figinski discloses:

In Respect to Claims 18 and 32

A map holder comprising a map holder assembly having a support element (reinforcing plate 4), a map carrying element (viewing lens 1) being rotatably and removably attachable to a top section of the support element (Col. 3 lines 14-18), and at least one guide (hinge 9) being attachable to the map carrying element and support element and positionable over the peripheral edge of said support element and map carrying element (FIG. 1), said map carrying element and support element being adapted to receive a map therebetween; and a vehicle fixation assembly (7, 13, 16, FIG. 1) attachable to a bottom section of the support element and to a part of a vehicle (FIGS. 1 and 2).

In Respect to Claims 19 and 33

The guide is a peripheral seal (inasmuch as hinge is on an upper periphery of the holder and seals that periphery).

In Respect to Claim 20

The guide comprises at least one gripping arm (side walls of the bottom portion of hinge, FIG. 1) adapted to run along the peripheral edge of the support element, and a fixation arm (side walls of the top portion of hinge, FIG. 1) extending from the gripping arm and attachable to the map carrying element (Col. 3 lines 23-28).

In Respect to Claim 27

The map holder comprises a map sealing plate (vibration attenuator 3, FIG. 1) positionable between the support element and map carrying element and adapted to seal the map to the map carrying element (Col. 3 lines 35-40).

In Respect to Claim 28

The map sealing plate comprises a sealing element adapted as claimed (Col. 3 lines 35-40).

In Respect to Claim 30

The guide is a part of said map carrying element (inasmuch as the two are bonded together, Col. 3 lines 23-28) and arranged to run along at least a part of the periphery of the support element (Col. 3 lines 23-28, FIG. 1).

In Respect to Claim 31

The guide is arranged as part of said support element (inasmuch as the two are bonded together, Col. 3 lines 23-28) and arranged to run along at least a part of the periphery of said map carrying element (Col. 3 lines 23-28, FIG. 1).

In Respect to Claim 37

The vehicle adapter defines an outtake (interior U-shape of links 5 and 7) that corresponds to the shape of said part of said vehicle (FIGS. 1 and 2).

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12. Claims 18, 30-32, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent #3,620,498 to Tunkl (Tunkl). Tunkl discloses:

In Respect to Claims 18 and 32

A map holder comprising a map holder assembly having a support element (bottom transparent planar sheet 34, FIG. 4), a map carrying element (top transparent planar sheet 36, FIG. 3) that is rotatably and removably attachable to a top section of the support element (Col. 3 lines 61-67, FIGS. 3 and 5), and at least one guide (guides 46 and 48, FIG. 4) attachable to the map carrying element and support element and positionable over the peripheral edge of these elements (FIGS. 3 and 4); the map carrying and support elements being adapted as claimed (Col. 3 lines 61-67); and a vehicle fixation assembly attachable as claimed and being attachable to a part of a vehicle (FIG. 2).

In Respect to Claim 30

The guide is part of the map carrying element (Col. 3 lines 53-57) and arranged as claimed (FIGS. 3 and 4).

In Respect to Claim 31

The guide is part of the support element (Col. 3 lines 53-57) and arranged as claimed (FIGS. 3 and 4).

In Respect to Claim 34

The map holder assembly comprises at least three guides (FIGS. 3 and 4).

13. Claims 18-22, 26, 32-35 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent #2,210,773 to Niemeyer (Niemeyer). Niemeyer discloses:

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In Respect to Claims 18 and 32

A map holder assembly having a support element (base 8, FIG. 4), a map carrying element (transparent disc 23 and top 7, FIG. 4) being rotatably and removably attachable to a top section of the support element (Page 2 Col. 1 lines 19-22, FIGS. 1 and 2), and at least one guide (disc 24, FIG. 4) being attachable to the map carrying and support elements (FIG. 4) and positionable over the peripheral edge of these elements (FIG. 4); the map carrying and support elements adapted as claimed (see map 6 in FIG. 4); and a vehicle fixation assembly (bottom of base 8) attachable to a bottom section of the support element and attachable as claimed (inasmuch as the bottom of the base could be placed on a part of a vehicle, or attached via adhesive, welding, or other art known techniques).

In Respect to Claims 19 and 33

The guide (disc 24) is a peripheral seal (inasmuch as it seals the opening between 8 and top 7, FIG. 4).

In Respect to Claim 20

The guide comprises at least one gripping arm (periphery 18 of disc 24 and raised portion 17 of disc 24) adapted as claimed (FIG. 4) and a fixation arm (projection 21 and portion of disc 24 between the periphery 18 and raised portion 17, FIG. 4) that extends out from the gripping arm and is attachable to the map carrying element (attachable via its connection to the periphery 18 FIG. 4).

In Respect to Claim 21

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The gripping arm is a pair of gripping arms (periphery 18 and raised portion 17) and the fixation arm is a hook (projection 21 and disc 24 form a hook to the extent claimed, FIG. 4) positioned between said gripping arms, said gripping arms being adapted to run along the peripheral edge of the support element (FIG. 4), the hook being attachable to an outtake defined in the map carrying element (page 2 Col. 1 lines 39-42).

In Respect to Claims 22 and 34

The map holder assembly comprises at least three guides (parallel lines 5 are guides to the extent claimed, FIG. 2).

In Respect to Claim 26

Taking the support element to be the top (7, FIG. 4), the map carrying element to be the plate (24, FIG. 4), the guide to be the bottom plate (8), and the vehicle fixation assembly to be the side of the top (7), these structures being attachable and positionable as claimed (FIGS. 1 and 4). The map carrying element (24) further comprising at least one map carrying organ (projection 21) which corresponds to an outtake (page 2 Col. 1 lines 39-42) defined in the periphery of said map (FIG. 4).

In Respect to Claim 30

Taking the map carrying element to include the periphery (18) of disc (24), the guide (periphery 18 of disc 24) is a part of the map carrying element and arranged to run along at least a part of the periphery of the support element (FIG. 4).

In Respect to Claim 31

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Taking the support element to include the periphery (18) of disc (24), the guide (periphery 18 of disc 24) is arranged as a part of the support element and arranged to run along at least one part of the periphery of the map carrying element (FIG. 4).

In Respect to Claim 35

The support element and map carrying element are circular or semi-circular in shape (FIGS. 1-5).

In Respect to Claim 37

The vehicle adapter defines an outtake (flat bottom portion is an outtake to the extent claimed) that corresponds to the shape of said part of said vehicle (flat, which would correspond to a flat surface of a vehicle).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 23 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tunkl.

In Respect to Claims 23 and 35

Tunkl discloses that the support element and map carrying element are transparent, but not that they are circular in shape.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the plates circular in shape in order to conform to the shape of circular maps. Doing so would constitute a mere change in shape which does not patentably distinguish an invention over the prior art (MPEP 2144.04(IV)(B)).

16. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figinski.

In Respect to Claim 34

Figinski does not disclose that the map holder assembly comprises at least three guides.

However, It would have been obvious to one of ordinary skill in the art at the time of the invention to make the hinge (9) of Figinski using three separate hinges rather than a single hinge, in order to make the hinge smaller and easier to store, and also to allow the hinge to be used with viewing plates and reinforcing plates that have varying widths. Doing so would constitute merely making the hinge separable into its component parts, and would not patentably distinguish it over the prior art (MPEP 2144.04(V)(C)).

In Respect to Claim 35

Figinski discloses that the support element and map plate have rounded edges (Col. 3 lines 48-53), but does not disclose that the support element and map carrying element are circular or semi-circular in shape.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the support or map carrying element semi-circular in shape in

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order to carry circular maps. Doing so would constitute a mere change in shape, which does not patentably distinguish an invention over the prior art (MPEP 2144.04(IV)(B)).

17. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Figinski as applied to claim 18 above, and further in view of U.S. Patent #3,643,333 to Pepper (Pepper).

In Respect to Claim 23

Figinski discloses that the map carrying element is transparent, but does not disclose that the support element is transparent or that either element is circular.

However, Pepper discloses a map holder that is circular (FIG. 3) for holding a circular map (navigational chart 13), and that consists of a transparent support element (base member 10, Col. 1 lines 69-71) and a transparent map carrying element (transparent plates 14, 20, and 24) that hold the map between them (FIG. 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to make the map carrier of Figinski circular in shape, in order to hold circular maps. Doing so would constitute a mere change in shape, which does not patentably distinguish an invention over the prior art (MPEP 2144.04(IV)(B)). It would further have been obvious, given Pepper's disclosure of making the top and bottom plates out of the same material, to make the bottom plate of Figinski out of the same transparent material used for the top plate of Figinski, to reduce the number of required materials and as a mere substitution of one appropriate art known material for another.

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18. Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemeyer as applied to claim 18 above, and further in view of U.S. Patent #3,983,630 to Hamm et al. (Hamm).

In Respect to Claim 27

Niemeyer does not disclose a map sealing plate as claimed.

However, Hamm discloses a map holder similar to that of Niemeyer, and the use of a transparent circular member (27) placed over the map (29) and below a transparent plate (sliding member 33) having parallel lines (43), in order to secure the map to a circular base (21).

It would have been obvious to one of ordinary skill in the art at the time of the invention, given Hamm's disclosure to use a transparent circular member (27) to secure a map to a circular base, to add a transparent circular member (27) to the top of disc (24), in order to secure the map to the disc, and to add a flange (23) to the disc (24) to form a recess (25) for holding the transparent circular member in place.

Taking the map carrying element to be the transparent circular member (27), and the map sealing element to be the central portion of disc (24), and the guide to be the periphery (18) and raised portion (17) of disc (24) the map holder of Niemeyer in view of Hamm discloses a map sealing plate (27) positionable as claimed and adapted to seal the map to the map carrying element.

In Respect to Claim 28

Niemeyer in view of Hamm discloses that the map sealing plate comprises a sealing element (flange 23) adapted as claimed.

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In Respect to Claim 29

Niemeyer in view of Hamm discloses that the map sealing plate (inner portion of disc 24) further comprises at least one outtake (the area between the flange 23 and the periphery 18 and/or raised portion 17 of disc 24 is an outtake to the extent claimed) defined in the peripheral edge of the map sealing plate which corresponds to said guide.

19. Claims 24, 25, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemeyer as applied to claim 18 above, and further in view of Figinski and U.S. Patent #6,279,803 to Smerdon, Jr. (Smerdon).

In Respect to Claims 24 and 36

Niemeyer does not disclose a vehicle fixation assembly as claimed.

However, Figinski discloses that it is known in the art to attach a map holder to the handlebars of a bicycle to allow a user to look at the map while cycling (Col. 1 lines 15-23).

Smerdon discloses a handlebar mounting system comprising a vehicle adapter (frame 14, 16, FIGS. 3 and 4) removably attachable to part of a vehicle (FIG. 3), at least one hook (S-hook 24), and an elastic cord (elastic shock cord 20) adapted to be wrapped around part of a vehicle and then removably secured to the hook to secure the mounting system to that part of the vehicle (FIGS. 3 and 6).

In Respect to Claim 25

Niemeyer in view of Figinski and Smerdon discloses that the vehicle adapter defines an outtake (bottom portion of frame 14, 16) that corresponds to the shape of part of the vehicle.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent #5,607,091 and #5,988,469 disclose holders using elastic cords and hooks similar to applicant's, U.S. Patent #3,844,041 discloses a map cut out to fit onto a plate and a guide which is attached to a top plate and rotates a map; and U.S. Patent #5,640,774 discloses a rotating guide which goes below a bottom plate and above a top plate and has an extension which rotates the plates between it.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADAM WAGGENSPACK whose telephone number is (571)270-7418. The examiner can normally be reached on Mon-Fri 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. W./

Examiner, Art Unit 3782

/Justin M Larson/

Examiner, Art Unit 3782

8/17/09